

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RYAN BENTON,

Plaintiff,

v.

C. MALDONADO, et al.,

Defendants.

No. 2:23-cv-02882-DC-DMC (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
THIS ACTION

(Doc. Nos. 9, 12)

Plaintiff Ryan Benton is a state prisoner appearing *pro se* in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 29, 2024, the assigned magistrate judge issued findings and recommendations recommending this action be dismissed, without prejudice, due to Plaintiff's failure to prosecute this action and failure to comply with a court order. (Doc. No. 12.) Specifically, Plaintiff has failed to comply with the court's order dated July 12, 2024, in which Plaintiff's first amended complaint was dismissed and Plaintiff was directed to file a second amended complaint within thirty days. (Doc. No. 11.) Plaintiff did not thereafter file a second amended complaint. The pending findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (Doc. No. 12 at 2.) To date, no objections to the findings and recommendations have been filed, and the time in which to

1 do so has now passed.

2 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
3 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
4 findings and recommendations are supported by the record and by proper analysis.

5 Accordingly:

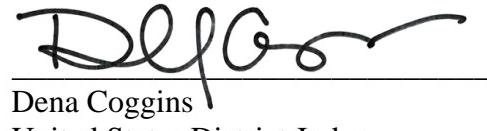
- 6 1. The findings and recommendations issued on August 29, 2024 (Doc. No. 12) are
7 adopted in full;
- 8 2. This action is dismissed, without prejudice, due to plaintiff's failure to prosecute
9 this action and failure to comply with a court order;
- 10 3. Plaintiff's pending motion for preliminary injunctive relief (Doc. No. 9) is denied
11 as having been rendered moot by this order; and
- 12 4. The Clerk of the Court is directed to close this case.

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15 IT IS SO ORDERED.

16 Dated: November 1, 2024



Dena Coggins
United States District Judge

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